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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,743	08/17/1999	YOUNG-KY KIM	678-337(P886	6854

7590 06/25/2003

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/376,743

Applicant(s)

KIM ET AL.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-17 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 and 14. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is also responsive to the Request for Continued Examination (RCE) filed on 2/19/2003. In the previous office action mailed on 3/12/2003, the examiner did not consider the request in the RCE to consider the amendment/reply previously filed on 12/19/2002. Therefore, the previous office action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 1, 3-5, 9-13, 15-17, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's submitted prior art in view of Scott et al. (US 6,154,486) and Hashimoto (US 5,375,252).

Referring to Claim 1, the prior art teaches a mobile station device comprising a preamble generator 120 (fig. 1) for generating a preamble signal 210 (fig. 2) to be

transmitted during a preamble interval prior to a transmission interval of a reverse access channel message 280 (fig. 2), and a transmitter (fig. 1) for spreading and modulating 140 (fig. 1) the preamble signal received from the preamble generator and transmitting it to a base station (see pg. 5, lines 1-3). The combination of Scott and the prior art does not teach the preamble signal transmitted intermittently during a preamble interval prior to a transmission interval of a reverse access channel message.

Hashimoto teaches the preamble signal transmitted intermittently during a preamble interval prior to a transmission interval of a reverse access channel message (see the transmission sequence of figs. 5 and 8 and col. 5, lines 15-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hashimoto to said mobile station device of the applicant's submitted prior art in order to shorten the preamble transmission interval.

Referring to Claim 13, the prior art teaches a transmitting method at a mobile station device comprising the steps of generating a preamble signal 210 (fig. 2) to be transmitted during a preamble interval prior to a transmission interval of a reverse access channel message 280 (fig. 2), and spreading and modulating 140 (fig. 1) the preamble signal received from the preamble generator and transmitting it to a base station (see pg. 5, lines 1-3). The combination of Scott and the prior art does not teach the preamble signal transmitted intermittently during a preamble interval prior to a transmission interval of a reverse access channel message. Hashimoto teaches the preamble signal transmitted intermittently during a preamble interval prior to a transmission interval of a reverse access channel message (see the transmission

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sequence of figs. 5 and 8 and col. 5, lines 15-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Hashimoto to said mobile station device of the applicant's submitted prior art in order to shorten the preamble transmission interval.

Referring to Claims 3 and 15, Scott also teaches said preamble interval comprising a repeating cycle of a preamble transmission interval and a preamble non-transmission interval, and wherein the preamble generator generates the preamble signal during the preamble transmission interval (see col. 2, lines 6-20).

Referring to Claims 4 and 16, Scott also teaches said preamble generator generating said preamble signal in said preamble transmission interval just prior to the transmission interval of the access channel message, the preamble transmission being provided during an ending part of the preamble interval (see col. 1, lines 65-67 and col. 2, line 1).

Referring to Claims 5 and 17, Scott also teaches said preamble generator generating said preamble signal using transmission power increased by a predetermined level (see col. 2, lines 52-56).

Regarding Claims 9 and 21, Scott also teaches said preamble generator generating the preamble signal with transmission power increased by a predetermined level during a next preamble transmission interval, upon failure to receive sync acquisition information in the preamble non-transmission interval (see col. 2, lines 52-56).

Referring to Claims 10 and 22, Scott also teaches said preamble generator generating said preamble signal during a predefined part of the preamble interval (see col. 2, lines 22-29).

Referring to Claims 11 and 23, Scott also teaches said preamble generator generating said preamble signal during predefined beginning and ending parts of the preamble interval (see col. 2, lines 22-29).

Referring to Claims 12 and 24, Scott also teaches said mobile station generating the preamble signal during the preamble transmission interval that is exclusively assigned to the mobile station (see col. 2, lines 37-42).

4. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's submitted prior art and Scott as applied to claims 1 and 13 above, and further in view of Nakamura et al. (US 6,314,090).

Referring to Claims 2 and 14, the prior art teaches said preamble generator comprising a generator 120 (fig. 1) for generating a reverse pilot signal (see R_PICH in fig. 1), and an amplifier 122 (fig. 1) for amplifying the reverse pilot signal received from the generator to a predetermined strength. The combination of Scott and the applicant's submitted prior art does not teach, a gating controller for intermittently transmitting the reverse pilot signal. Nakamura teaches a gating controller for intermittently transmitting the reverse pilot signal (see col. 5, lines 43-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

teachings of Nakamura to said mobile station device of the applicant's submitted prior art in order to increase detection probability for the preamble.

Allowable Subject Matter

5. Claims 6-8 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claims 6 and 18, Scott, Nakamura, and the applicant's submitted prior art do not teach, alone nor in combination, said preamble generator interrupting generating of the preamble signal upon receiving sync acquisition information from the base station.

Regarding Claims 7 and 19, Scott, Nakamura, and the applicant's submitted prior art do not teach, alone nor in combination, said mobile station shortening said preamble interval and immediately transmitting the access channel message, upon receiving sync acquisition information from the base station.

Response to Arguments

6. Applicant's arguments filed 12/26/2002 have been fully considered but they are not persuasive.

Regarding Claims 1 and 13, the applicant argues that the Hashimoto reference does not disclose "intermittently transmitting a preamble". The examiner would like to reiterate the statement that the applicant does not restrict the use of multiple

transmitters in the independent claims. The process cited by the examiner in the transmission sequence of figs. 5 and 8 and col. 5, lines 15-29 of the Hashimoto reference shows that even though multiple transmitters are used, each transmitter has different and increasingly longer delay times before the preamble is transmitted. Therefore, by definition, the increasingly larger delay times cause intermittent transmission of the preamble.

Conclusion

7. This is an RCE of applicant's earlier Application No. 09/376,743. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2682

EY
June 13, 2003


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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6/13/03